



August 21, 2007 CPC  
September 26, 2007 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

07SN0366

Chesterfield Board of Supervisors

Bermuda Magisterial District  
Bensley Elementary; Falling Creek Middle; and Meadowbrook High  
Schools Attendance Zones  
South line of Drewrys Bluff Road

REQUEST: Rezone 1.1 acres of Multifamily Residential (R-MF) to Residential (R-12) with Conditional Use to permit two-family dwellings and Conditional Use Planned Development to permit exceptions to Ordinance requirements on this parcel and an adjacent 38.3 acres zoned Residential (R-7).

PROPOSED LAND USE:

A residential development consisting of single-family attached (two-family) and detached dwellings is planned. A maximum of 105 dwelling units are proposed, yielding a density of approximately 2.7 dwelling units per acre.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend approval provided the Commission and Board determine that the design standards are superior to those required by the underlying zoning. This recommendation is made for the following reasons:

- A. The proposed zoning and land uses conform to the Jefferson Davis Highway Corridor Plan which suggests the property is appropriate for residential use of 7.01 to 10.0 units per acre.

- B. The cash proffer policy allows the Commission and Board to consider deviation from the payment of cash to address the impact on capital facilities, if the project offers design standards superior to that required by the underlying zoning. The proffered conditions do not offer cash to address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions do not offer cash to mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens. However, if it is the determination of the Commission and Board that this proposal offers substantial upgrades to current design/development standards and Ordinance requirements, the policy suggests that it may be appropriate to accept reduced cash proffers.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

#### PROFFERED CONDITIONS

- |             |    |             |   |
|-------------|----|-------------|---|
| (STAFF/CPC) | 1. | Master Plan | The plan titled Winchester Forest Master Plan dated 5.3.07 and the Textual Statement dated 7.24.07, last revised August 9, 2007 shall be considered the Master Plan. (P)  |
| (STAFF/CPC) | 2. | Utilities   | The public water and wastewater systems shall be used, except for model home/ sales offices not in permanent dwellings and/or construction offices. (U)   |
| (STAFF/CPC) | 3. | Timbering   | With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE) |

- |             |    |                   |   |
|-------------|----|-------------------|---|
| (STAFF/CPC) | 4. | Density           | The maximum number of dwelling units developed on the property shall be 105. Single-family attached units shall not exceed 36. (P)  |
| (STAFF/CPC) | 5. | Lighting          | Except for decorative lighting attached to a building, the maximum height of lampposts shall be 30 feet. Exterior lighting shall meet the requirements of the Zoning Ordinance except that porch lights, lamps, decorative and period lighting that is in keeping the pedestrian oriented character of Winchester Forest shall be permitted. (P)  |
| (STAFF/CPC) | 6. | <u>Open Space</u> | <p>At a minimum the following open space shall be provided:</p> <ul style="list-style-type: none"><li>A. Within the Property a minimum of 30 percent, (12 acres) of the gross acreage shall be devoted to open space.</li><li>B. Of this open space a minimum of 11 acres shall be preserved forest and a minimum of 1 acre shall be usable as recreational and social gathering areas including a centrally located focal point for community gatherings.</li><li>C. Additional forest areas of 2.5 acres will be preserved within the lots through restrictive covenants. (P)</li></ul> |
| (STAFF/CPC) | 7. | <u>Stormwater</u> | <p>Winchester Forest will retain the 2-year and 10-year post development runoff rates and release at the 2 year and 10 year pre development rate for that area that drains to the south-west to No Name Creek. This may be modified at time of plan review if a greater release rate has no affect on the flooding of Alcott Road, as it currently exists to the extent acceptable with the Chesterfield County Environmental Engineering Department. (EE)</p>  |

## GENERAL INFORMATION

### Location:

South line of Drewrys Bluff Road, west of Plantation Road and north line of Alcott Road, across from Telbury Street. Tax IDs 789-679-2472, 2715 and 6083; 789-680-0739 and 5623; and 790-679-Part of 0806.

### Existing Zoning:

R-7 and R-MF with Conditional Use Planned Development

### Size:

39.4 acres

### Existing Land Use:

Single-family residential or vacant

### Adjacent Zoning and Land Use:

North - R-9 and R-7; Public/semi-public (Bensley Park and Community Center), single-family residential or vacant  
South - R-7; Single-family residential or vacant  
East - R-7 and R-MF with Conditional Use Planned Development; single-family and multifamily residential  
West - A; Defense Supply Center Richmond

## UTILITIES

### Public Water System:

There are eight (8) inch water lines along both Alcott Road and Drewry's Bluff Road as well as throughout the existing Winchester Green Phase 1. A twelve (12) inch water line that transitions into an eight (8) inch line extends across the request site from Drewrys Bluff Road to Alcott Road. Use of the public water system is intended. (Proffered Condition 2)

### Public Wastewater System:

There are eight (8) inch wastewater collector lines serving the existing Phase 1 of the Commons at Winchester Green. In addition, eight (8) inch wastewater collector lines extend along Drewry's Bluff Road and Alcott Road adjacent to this site. Use of the public wastewater system is intended. (Proffered Condition 2)

## ENVIRONMENTAL

### Drainage and Erosion:

The majority of the property drains to the south/southwest to No Name Creek, then via No Name Creek under Alcott Road and tributaries to the James River. The property is wooded and should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering (Proffered Condition 3). This will insure proper erosion control measures are in place prior to any land disturbance.

There are no existing or anticipated on- or off-site erosion problems. There are no on-site drainage problems. Offsite, Alcott Road through which No Name Creek and this property drains, experiences flooding during some storm events. Although it is an inconvenience, there is an alternate ingress/egress for the residents in Rayon Park during these storm events.

So as not to aggravate the situation, as this development is a small percentage of the overall watershed draining to Alcott Road, the property owner should agree to retain the 10-year post development on-site and release at the 10-year pre development rate. This can be done in combination with the proposed Low Intensity Development (LID) measures noted in the Textual Statement. With this additional measure, the development will have minimal affect on the flooding of the road during the more frequent storms. (Proffered Condition 7)

### Water Quality:

The area is very flat and wetlands appear to exist on portions of the property. No Name Creek is a perennial stream and is subject to a 100-foot conservation area inside of which uses are very limited.

## PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and further detailed by specific departments in the applicable sections of this request analysis. This development will have an impact on these facilities.

### Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the new stations, the Plan also recommends the expansion of five (5) existing stations.

Based on (105) dwelling units, this request will generate approximately (53) calls for fire and emergency medical service each year. The applicant has not addressed the impact on fire and EMS.

The Bensley Fire Station #3, and Bensley Fire Station, Medic #3 currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

#### Schools:

Approximately fifty-six (56) (Elementary: 24, Middle: 14, and High: 18) students will be generated by this development. Currently, this site lies in the Bensley Elementary School attendance zone: capacity - 620, enrollment – 530; Falling Creek Middle School zone: capacity – 1,036, enrollment – 1,036; and Meadowbrook High School zone: capacity - 1,541, enrollment - 1,902. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007.

This request will have an impact at the middle and high school level. There are currently six (6) trailers at Bensley Elementary; sixteen (16) at Falling Creek Middle; and three (3) at Meadowbrook High Schools.

This case combined with other residential developments and zoning cases in the area will continue to push these schools over capacity, necessitating some form of relief in the future. The applicant has not addressed the impact of this development on school facilities.

#### Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed countywide. Based on projected population growth, The Chesterfield County Public Facilities Plan identifies a need for additional library space throughout the County.

Development of property in this area of the County would most likely affect either the Central Library or the Meadowdale Library. A larger Meadowdale Library is currently under construction, as recommended by the Public Facilities Plan. The applicant has not addressed the impact of this development on library facilities.

#### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails

and recreational historic sites. The applicant has not addressed the impact of this development on parks and recreation facilities.

#### Transportation:

The property (39.4 acres) is currently zoned Residential Townhouse (R-TH) and Residential (R-7), and the applicant is requesting rezoning to Residential (R-12). The applicant has proffered a maximum density of 105 dwelling units (Proffered Condition 4). Based on single-family trip rates, development could generate approximately 1,100 average daily trips. These vehicles will be distributed along Jefferson Davis Highway (Route 1/301). Based on the most recent data from the Virginia Department of Transportation (VDOT), the section of Route 1/301 from Willis Road to Route 288 was carrying 19,278 vehicles per day (VPD) in 2006. The capacity of this four-lane section of Route 1/301 is acceptable (Level of Service B) for the volume of traffic it carries.

The applicant intends to develop the property as an extension of the Winchester Green project. Access for this proposed development is anticipated to be provided through streets in Winchester Green and along Drewrys Bluff Road. The section of Drewrys Bluff Road from Route 1/301 to approximately the northern boundary of the property is in the State Highway System. Drewrys Bluff Road from that point to the intersection with Swineford Road is not in the State System. If traffic from this proposed development travels along the section of Drewrys Bluff Road that is not in the State System and that section of road falls into disrepair, the county may be requested by area citizens to improve the road. No maintenance funds are allocated for these improvements.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. The applicant has not addressed the traffic impact of this proposed residential development in accordance with the Board of Supervisors' Cash Proffer Policy. Without the applicant addressing this impact, the Transportation Department cannot support this request.

As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No road improvement projects in this part of the county are included in the Six-Year Improvement Plan.

The Virginia Department of Transportation's (VDOT) "Chapter 527" regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT's regulations will have on the development process or upon zonings approved by the county.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	105*	1.00
Population Increase	285.60	2.72
Number of New Students		
Elementary	24.47	0.23
Middle	13.65	0.13
High	17.75	0.17
TOTAL	55.86	0.53
Net Cost for Schools	\$561,540	\$5,348
Net Cost for Parks	63,420	604
Net Cost for Libraries	36,645	349
Net Cost for Fire Stations	42,525	405
Average Net Cost for Roads	938,910	8,942
TOTAL NET COST	\$1,643,040	\$15,648

\* Based on a proffered maximum number of units (Proffered Condition 4). The actual number of units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development.

This application requests rezoning of 1.1 acres of property from R-MF to R-12 with a Conditional Use to permit two (2) family dwellings and Conditional Use Planned Development to permit exceptions to ordinance requirements on that parcel and an adjacent 38.3 acres zoned R-7. The property owner has proffered no conditions that address the impact of this request on capital facilities. The 38.3 acre parcel currently zoned R-7 is permitted 105 dwelling units. The property owner has proffered a maximum of 105 dwelling units on the combined 39.4 acres and further maintains that the product being proposed will have amenities that exceed the design/development standards and ordinance requirements of the existing R-7 zoning.

The property owner has been advised that changes to policy discontinued the practice of transferring density. Moreover, the property owner also further advised that, per cash proffer policy, a development proposal's fiscal impact on capital facilities shall be established under the Board of Supervisors' cash proffer policy that is in effect at the time the application is submitted. Per current cash proffer policy, however, in instances where a development proposal includes



substantial upgrades to current design/development standards and ordinance requirements, the Board may consider accepting reduced cash proffer payments.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case. The property owner's failure to address the impact of this request on capital facilities will negatively impact the county's ability to provide adequate facilities for its citizens. Staff recommends the property owner fully address the impact of this request on capital facilities.

The Planning Commission and the Board of Supervisors, through their consideration of this request, may determine that there are unique circumstances relative to this request that may justify acceptance of proffers as offered for this case.

### LAND USE

#### Comprehensive Plan:

Lies within the boundaries of the Jefferson Davis Highway Corridor Plan which suggests the property is appropriate for residential use of 7.01 to 10.0 units per acre.

#### Area Development Trends:

Area development is characterized by commercial uses along the Jefferson Davis Highway frontage and residential or vacant properties further away from the corridor. The Defense Supply Center, Richmond is located to the west. It is anticipated that residential development will continue in this area as suggested by the Plan.

#### Zoning History:

On March 26, 1997, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, granted zoning approval to allow the development of multifamily units on a portion of the request property and adjacent property to the east (Case 97SN0180). The intent of Case 97SN0180 was to demolish the Park Lee Garden Apartments and build another multifamily development at a lower density. Subsequently, the Winchester Green multifamily complex was developed on most of that property.

On December 17, 2003, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved an amendment to Case 97SN0180 relative to density, parking and maximum number of units permitted. (Case 04SN0150)

#### Site Design:

The 39.4-acre property is to be developed for single-family attached (two-family) and detached dwellings. In addition, recreational facilities designed to serve the development are proposed (Textual Statement III.A.).

The property is divided into single family detached, single family attached and park tracts as depicted on Exhibit A. The Tracts' locations and sizes may be modified so long as they maintain their relationship with each other and adjacent properties. In addition, single family detached units will be allowed in attached unit designated areas. (Textual Statement IV.A.)

Unless specifically regulated by the Textual Statement, development must conform to the requirements of the Zoning Ordinance for Residential (R-9) Districts. (Textual Statement IV.B.)

#### Lot Size and Density:

Single family detached units are to be developed on lots having a minimum area of 5,000 square feet and for attached units 4,500 square feet. (Textual Statement IV.A.)

This request will allow a maximum of 105 dwelling units, yielding a density of approximately 2.7 dwelling units per acre (Proffered Condition 4). Of the 105 dwelling units, no more than thirty-six (36) may be attached units.

#### Setbacks:

To accommodate a traditional neighborhood design, reduced setbacks for buildings, to include dwellings, garages and accessory structures have been requested. (Textual Statement III.D.)

In addition, the face of garages is to be located a minimum of twenty-six (26) feet behind the front facade of the residential structure.

#### Lighting:

In keeping with the pedestrian oriented character of the project, the property owner has agreed to provide pedestrian scale lighting. (Proffered Condition 5)

#### Sidewalks and Street Trees:

Sidewalks and street trees will be provided along each side of public streets (Textual Statement III.B. and C.).

#### Recreational Facilities, Open Space and Focal Point:

Passive and active recreational uses limited to facilities and uses that primarily serve the surrounding residential community would be permitted within all tracts (Textual Statement III.A.). Such uses include, but are not limited to, trails, paths, sidewalks, tot-lots, open space, and playground areas. The Textual Statement provides for setback restrictions to minimize the impact of such recreational uses on surrounding residential development. (Textual Statement III.A.)

A minimum of thirteen (13) acres of the property is to be devoted to open space, of which a minimum of twelve (12) acres will be preserved as forest and a minimum of one (1) is to serve as a focal point to the development and is to facilitate social gatherings (Proffered Condition 6). In addition, the property owner has agreed to provide an additional 2.5 acres in forest area through restrictive covenants. It should be noted that the County will not be responsible for enforcing the covenant, only that it be recorded. Once recorded, the restrictive covenant may be changed, except as noted in the proffer.

### CONCLUSIONS

The proposed zoning and land uses conform to the Jefferson Davis Highway Corridor Plan which suggests the property is appropriate for residential use of 7.01 to 10.0 units per acre.

This project offers design amenities that are superior to those required by the underlying zoning. The cash proffer policy allows the Commission and Board to consider deviation from the payment of cash in return for superior design standards. The proffered conditions do not offer cash to address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions do not offer cash to mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

If after consideration of the case, it is the opinion of the Commission and Board that the design standards are superior to those required by the underlying zoning, approval would be appropriate.

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### CASE HISTORY

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Planning Commission Meeting (8/21/07):

The applicant accepted the recommendation. There was no opposition present.

Mr. Wilson noted this proposal is an expansion of Winchester Green and includes superior design standards to those required by the underlying zoning.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 and 3.

AYES: Unanimous

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The Board of Supervisors, on Wednesday, September 26, 2007, beginning at 6:30 p.m., will take under consideration this request.

Winchester Forest  
Textual Statement

August 9, 2007

**I. Rezone** Rezone a 1.1 acre parcel from R-MF CUPD to R-12 with a Conditional Use and Conditional Use Planned Development on this parcel and an additional 38.3 acres more or less to permit residential single-family detached and single-family attached units and to permit exceptions to ordinance requirements; the parcels totaling 39.4 acres more or less, are shown on the attached map, and identified as the following Tax IDs:

1.1 acre parcel:	790 679 0806 (Partial)
Remaining parcels (38.3 acres)	789 680 0739
	789 680 5623
	789 679 6083
	789 679 2472
	789 679 2715

**II. General Conditions**

- A. The development shall be designed as a traditional neighborhood development with buildings located close to the sidewalks and other buildings, the streets lined with trees and sidewalks and open spaces. The developer shall incorporate Low Impact Development (LID) stormwater design solutions to this project, and insofar as will be allowed by Chesterfield County and VDOT, will implement those design strategies.
- B. To accommodate the orderly development of the Property, the tracts shall be located as generally depicted on the Master Plan, but their location and size may be modified (such as moving the location of a tract boundary) so long as the parcels generally maintain their relationship with each other and any adjacent properties.

**III. Requirements and Exceptions for All Tracts:**

A. Recreational Facilities

- 1. Community recreational facilities shall be permitted for use by residents of the community. The recreational uses shall be limited to facilities and uses that

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primarily serve the surrounding residential community including but not limited to passive recreation (i.e. parks, tot-lots, trails, paths, sidewalks), open space and playground areas. No minimum acreage is required for these facilities.

2. Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from adjacent property external to Winchester Forest.

#### B. Sidewalks.

Sidewalks shall be provided to facilitate pedestrian access within the project and connect to the adjoining community of Winchester Greens. Generally, sidewalks shall be located on both sides of all public streets.

#### C. Street Trees.

Street trees shall be planted or retained along each side of all public streets within the project.

#### D. Setbacks.

1. Single-family attached and single-family detached structures will be setback a minimum of ten (10) feet from front property lines, five (5) feet from side property lines and twenty (20) feet from rear property lines.
2. Structures on corner lots shall be setback a minimum of fifteen (15) feet from the property line.
3. Garages and accessory structures shall be setback a minimum of two (2) feet from side and rear property lines and the face of the garage shall be at least twenty-six (26) feet behind front face of principal residential structure.

#### E. Model homes.

1. Model homes, in accordance with Zoning Ordinance Section 19-65(a).

### **IV. Requirements for Specific Tracts**

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A. Uses

1. Single family detached

- a. Accessory uses permitted in the R-9 Residential District.
- b. minimum lot width shall be no less than fifty (50) feet
- c. minimum lot area shall be no less than five-thousand (5,000) square feet

2. Single family attached

- a. Accessory uses permitted in the R-9 Residential District.
- c. Minimum lot width shall be no less than forty-five (45) feet
- d. Minimum lot area shall be no less than four thousand, five hundred square feet (4,500) square feet
- e. single family detached homes will be allowed in attached home designated areas

B. Requirements. Development shall conform to the requirements of the R-9 Residential district except as provided herein.

This application contains two exhibits described as follows:

Exhibit A- Plan titled “Winchester Forest Master Plan” prepared by Better Housing Coalition 5.3.07

Exhibit B- Plan titled “Winchester Forest-Zoning Parcels” prepared by Timmons Group

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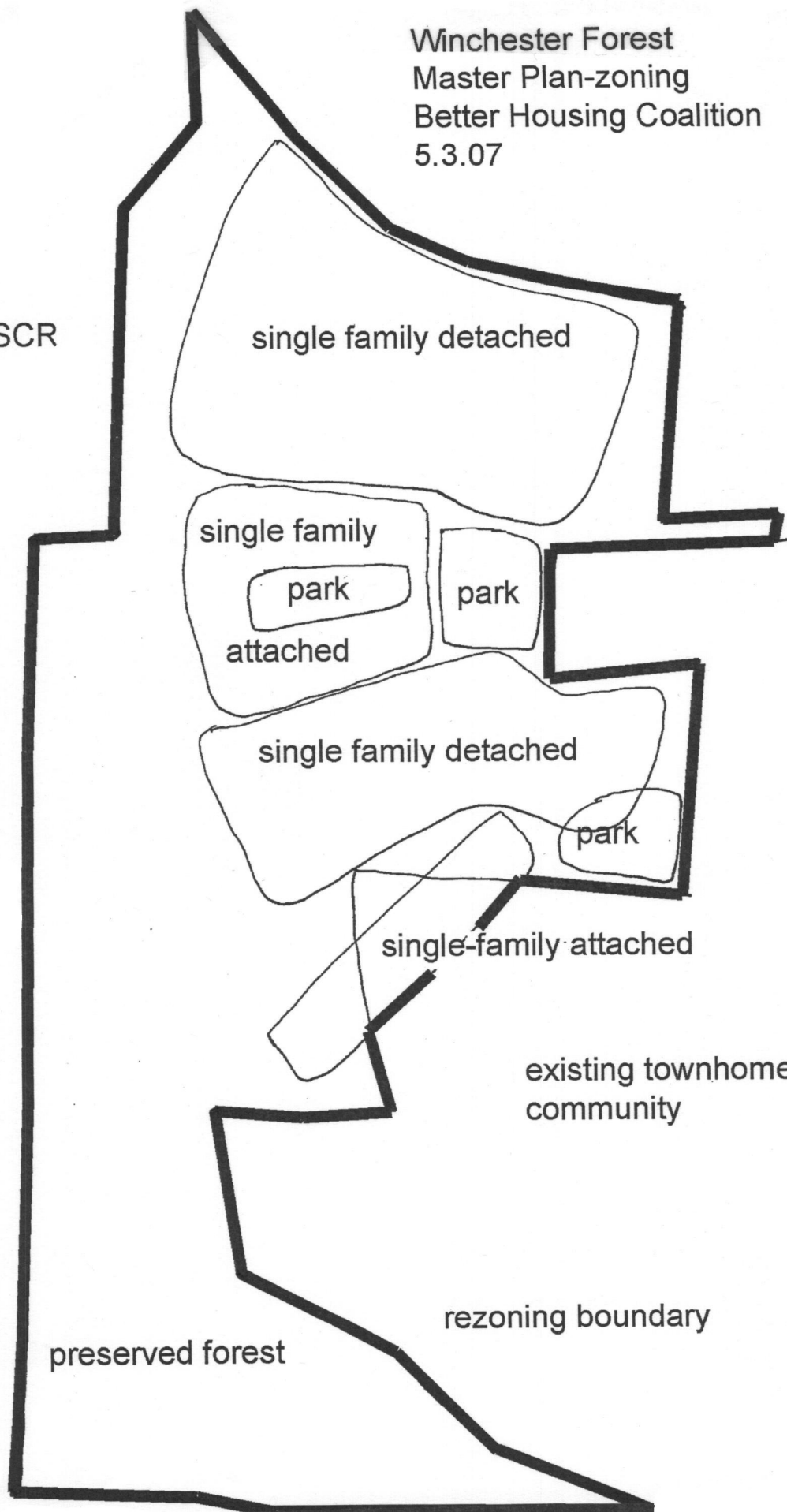


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Winchester Forest  
Master Plan-zoning  
Better Housing Coalition  
5.3.07

Exhibit A

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# Exhibit B

\*Note: All parcel boundary information has been referenced from Chesterfield County GIS information.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 76°51'24" E	198.45'
L2	N 76°34'16" E	113.34'
L3	S 26°26'58" W	397.27'
L4	N 31°07'52" W	158.58'
L5	N 22°21'14" W	73.46'
L6	N 11°39'36" W	82.26'

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